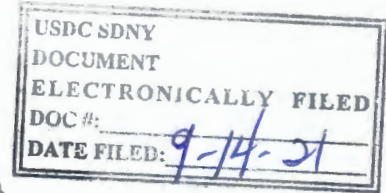




September 13, 2021

**By Electronic Filing**

The Hon. Lewis A. Kaplan
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl Street
 New York, New York 10007

Re: Anthony Rapp and C.D. v. Kevin Spacey Fowler a/k/a Kevin Spacey
 Southern District of New York, Case No. 1:20-cv-09586 (LAK)

Dear Judge Kaplan:

As Your Honor knows, we represent defendant Kevin Spacey Fowler. On August 26-27, 2021, we served opposing counsel with redacted versions of certain documents that describe and discuss the communications on Mr. Fowler's privilege log. As stated in my August 26, 2021 letter (ECF No. 84), we did so to ensure Plaintiff's counsel did not and could not argue waiver by virtue of our sharing with them the content of our papers that explain and address the factual points raised by Mr. Saghir's letter motion on the privilege log. At the September 9, 2021 hearing, Your Honor asked us to submit a letter addressing whether the unredacted versions of our submissions should continue to be kept from Plaintiff's counsel.

Following the hearing, I reached out to Plaintiff's counsel, and the parties have reached a resolution on this specific issue. The parties agreed Plaintiff would not and could not claim waiver of any privilege or other protection by virtue of our sharing the unredacted filings with Plaintiff's counsel. The documents are to continue to remain sealed from the public and not shared with anyone else pending any further order from the Court. Attached as Exhibit 1 is a copy of an e-mail thread between Plaintiff's counsel and me reflecting this agreement. Consistent with that agreement, I provided Plaintiff's counsel on September 10, 2021 with the unredacted versions of Mr. Fowler's prior filings, *i.e.*, ECF Nos. 86, 86-1, 86-3, 86-4, and 86-5.

Respectfully submitted,
 KELLER/ANDERLE LLP

Chase A. Scolnick

cc: Peter J. Saghir
 Ben Rubinowitz
 Rachel Jacobs
 Michael Tremonte
 SO ORDERED

Counsel shall file the unredacted versions of the documents as agreed.